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ELECTION METHODS IN THE SOUTH.

BY THE HON. ROBERT SMALLS, FORMERLY REPRESENTATIVE IN
CONGRESS FROM SOUTH CAROLINA.

THE highest right of a citizen, and by far the most important for the protection of all citizens, is the right to vote for the candidates of his choice and to have his vote counted as cast. The Constitution of the United States and the constitutions of all the States guarantee this right to all citizens who have not forfeited the same by the commission of certain crimes and conviction therefor. It is not a question of fitness, intelligence, wealth, color, or previous condition of servitude, but a right secured by the organic law of the country and bestowed upon all.

In South Carolina there is neither a free ballot nor an honest count, and since the election in 1874 the history of elections in the State is the history of a continued series of murders, outrages, perjury, and fraud. The brutality and fraud of the Democracy in the campaign and election of 1876 and the determination of its result were only equalled, but not excelled, by the Kuklux outrages which aroused the just indignation of the entire North. Republicanism was in that year overthrown by murderous gangs called "rifle clubs," who, acting in concert, terrorized nearly the entire State, overawing election officers and defying the courts. The elections in 1878 and 1880 were repetitions of the outrages of 1876. The shot-gun and rifle were the factors that prevented a thorough canvass, and a false count in those counties where Republicans made contests completed the work. Having perfect immunity from punishment, the encouragement, if not the active participation, of the State government, and the protection of the courts of the State, the rifle clubs committed their outrages without restraint, and the election officers their frauds without even the thin veneer of attempted concealment. Elections since then have been carried by perjury and fraud—two things worshipped and adored by the South Carolina Democracy

Many apologists for the rule of the minority in South Carolina assert that the negro votes the Democratic ticket, and that to form a majority from the census giving the entire vote to the Republican party is erroneous. There are colored men who vote the Democratic ticket, and I suppose that there are Irishmen in Ireland who act with the Tories of England. There are, however, more white Republicans in the State who vote the Republican ticket than negroes who vote the Democratic ticket; and what better authority for the statement that a minority rules in South Carolina could be asked than the following from the lips of the present Governor of the State, who is also a member of the Board of State Canvassers, in a speech delivered at Chester, S. C., July 30, 1888, and repeated at Charleston, August 10, 1888?—

“We have now the rule of a minority of 400,000 over a majority of 600,000. No army at Austerlitz, Waterloo, or Gettysburg could ever be wielded like that mass of 600,000 people. The only thing that stands to-day between us and their rule is a flimsy statute—the Eight-Box Law—which depends for its effectiveness upon the unity of the white people.”

The statement is true as far as it goes, but it is not complete. In the manner of enforcing the election statutes lies the strength of minority rule, for even if the election laws which impose an educational qualification and otherwise restrict suffrage were properly administered, Republicans would still have a majority of the legal voters in the State.

The Election Law places in the hands of the Governor the appointment of the supervisors of registration and their assistants, the commissioners of election for the election of Presidential electors and Members of Congress, and the commissioners of election for the election of State and county officers. The commissioners appoint three managers at each poll, who conduct the election, canvass the return of the managers, and determine all controversies in relation to the election. The manner of their appointment will give a better indication of how the officers act, and of their motives, than any partial discussion of their character, and for it to be understood properly some idea of the political organization of the Democracy is necessary. There is a State Executive Committee, the centre of control, with more power in the State than the President of the United States and all the laws of the country and State. Each county has an executive committee and a county chairman; the former is elected by the

State convention and the latter by the county conventions. The rifle and other clubs exist, although murder has given way to theft, and delegates from them compose the county conventions—the basis of political action.

The governor of the State receives his orders, called recommendations, from those political committees, and they in turn receive their orders from the rifle clubs. The supervisor of registration and the commissioners of election, both State and Federal, are appointed upon the recommendation of the Democratic county chairman and county executive committee, and the managers are selected from the rifle clubs in each precinct on their recommendation. It will therefore be seen that the entire machinery of the State is in the hands of the active politicians and partisans of a single party, without the presence of a single representative of any other party to secure even the appearance of justice.

With one or possibly two exceptions, the policy of the supervisors is inaction so far as Republicans are concerned, and in nearly every county in the State it is almost as easy to earn at once a competency from a basis of zero as it is for a Republican to secure a registration ticket or correct any change of residence or irregularity; and frequently when everything appears to be in shape, the registration-book on the day of election shows different initials, residence, or some technical objection that deprives him of his vote. The officer seldom appears on the day fixed by law,* and when he does, he manages to create so many delays that the few hours he remains are not sufficient for anything like the proper transaction of his business. Thousands of voters, after travelling fifty and often one hundred miles to the county-seat, the only place for registration, have to return home after a fruitless search for the register on the days that the law requires him to be present, and as these journeys cannot be made often, the voters are disfranchised and the votes lost. All persons desiring to vote the Democratic ticket are registered without personal application, and certificates are furnished them either before or on the day of election without even the formality of an oath as to eligibility. Registration, the fountain-source of election, curtails Republican suffrage by the expense and incon-

* Which is the first Monday in each month, commencing in January and closing on the first Monday in July of each year in which elections are held.

venience it entails upon persons not living at the county-seat, by refusal through wilful neglect to register Republicans, and by fraud of the supervisor in making false entries ; it adds to the Democratic vote through his fraud in unlawfully adding to the names on the registration-books those of all persons who are expected to vote the Democratic ticket.

If fortunate enough to obtain a certificate and he is in the low country or the Seventh Congressional District, which strikes nearly every Republican centre, the Republican goes to the polls, if he can find them, early in the morning, as he is more or less acquainted with the delays there, especially if there is a promise of a large Republican vote. The hour for the opening of the polls comes and goes, and neither managers nor boxes make their appearance. The crowd grows larger and soon there are four or five hundred Republicans. Anxious inquiries are made for the managers. It is learned later that, of the managers, Colonel Jones has gone to town, Mr. Brown has gone hunting, and Mr. Smith says he does not intend to serve, as there is no pay in it. Four or five hundred Republicans are disfranchised by the neglect of the managers, and not even the letter or spirit of the law is violated by the poll not being opened.

At a neighboring poll another scene is enacted. The polls are open, the boxes shown, the voters deposit their ballots, there is general levity, and everything appears to be fair. There are three hundred Republican voters ; the Democracy have secured forty or fifty votes, and the polls close. The votes are counted ; there are two or three hundred more ballots than names on the poll-list ; instead of fifty Democratic ballots there are three hundred and fifty. The ballots are of regulation size, nobody has had access to the boxes but the managers, and the opening is too small for the introduction of any quantity of ballots without detection. Who put them in the box ? The managers. The law for legalizing fraud is invoked. It requires the managers to draw ballots from the box until the number in the box tallies with the total number of votes cast. The box is shaken, for there is nothing for the Democracy to lose, being a case of "tail I win, head you lose" ; the drawing is made ; the votes are again counted. Result : the Democracy have a majority of fifty votes, more or less, at an overwhelming Republican precinct. The law has been obeyed and the rights of all protected.

"The ballot shall be without ornament, designation, mutilation, symbol, or mark of any kind whatsoever, except the name or names of the person or persons voted for, and the office to which such person or persons are intended to be chosen." Advantage is taken of the law by Democratic managers to perpetrate a fraud of their own. The opening in the ballot-box being small, a ticket inserted does not fall to the bottom of the box. The obliging and attentive manager pushes it down with his lead-pencil, managing to leave a mark on the ballot. At the count the marked ballots are thrown out as mutilated, and are not included in the vote. At an election in Beaufort County, a dishonest manager was caught performing the trick. The people at the polls prevented the ballots from being destroyed, but one of the commissioners of election, when the box reached Beaufort, obtained and destroyed them to prevent me from using them as part of my evidence.

Other Republican precincts with large majorities are disfranchised by the managers of the election wilfully neglecting to take the oath required by law, failing to sign the returns or seal the boxes, or taking advantage of any other possible omission or violation of the numerous requirements of the election statute. These matters form the basis of protests from Democratic candidates, and are parts of the scheme of fraud that are seized upon by the Democratic commissioners of election as pretexts for refusing to count the votes of protested precincts.

A little explanation as to the mode of procedure in deciding protests will at once show the injustice, amounting to fraud, that is practised. The commissioners meet. The boxes are in their custody, and the canvass of the votes goes on. All of the precincts where there is a considerable Democratic vote are counted at once. When the Republican precincts are reached, there is a protest filed by one of the conspirators. It charges an array of irregularities, and, incredible as it may appear in fraud-ridden and bulldozed South Carolina, it often contains a charge of Republican intimidation. The protest is general in its wording. No testimony is taken; the controversy is settled by affidavits; and as Republicans are not allowed by the commissioners to have any knowledge of the contents of the affidavits supporting the protests until the final hearing, when charges like intimidation, bribery, etc., are made, they have to make their fight in the dark,

and their affidavits can contain little except general denials of the charges. The commissioners hear the affidavits and arguments, if there are any, and by their decision reject sufficient Republican precincts to give the Democracy a majority in the county or Congressional district. The dirty work required of the commissioners where contests are made makes the office an undesirable one for honest men, and there are many honest Democrats who have no sympathy with the schemes of fraud and acts of violence practised by their political associates ; but they are powerless in the face of the Democratic political machine that rules Democrat and Republican alike with its iron hand. Men are generally appointed who have little or no character and are violent persons.

I have given as fully as limited space will permit the most prominent frauds and acts of injustice that occur in the registration of voters and after the gantlet of the eight boxes has been passed, and it will be seen that considerable more is necessary for the continuance of minority rule than eight ballot-boxes. The eight-box section, from which by common consent the statute takes its name, depends upon the unfair methods of its enforcement for its effectiveness. The poor whites who form the bulk of the Democratic voters could no more vote intelligently under its provisions than the ignorant colored voter. The mode of making the law one-sided is as follows : The managers have the custody of the Democratic ballots. They place a package for each box alongside or generally upon it, and the Democratic voter has nothing to do but fold and put it in. The boxes are often shifted to prevent intelligent Republicans from indicating to their more ignorant brethren the location of the boxes. The law requires the managers to read the names on the boxes when requested, but as this would be of no value to a man who could not read the ticket in his hand, and as managers have been caught lying so often when they pretended to read the names, the apparent protection is only a further abuse of a free ballot. As no ignorant man can place in the proper boxes eight or more distinct ballots with no other guidance than the names upon them, it can be readily seen that the section imposes an educational qualification upon voters contrary to the constitution of the State ; and it is this flagrant violation of the organic law that has given this section so much prominence. Democratic majorities in South Carolina are due, not to obedience to the law, but to its flagrant violation. If

through mistake a ballot is placed in the wrong box, it is not counted, for this reason: the ballot-boxes are shifted, and only one voter at a time is allowed in the room where the votes are deposited. He is compelled by law to deposit his own ballots in the boxes.

In view of all these frauds and outrages I call upon the true Representatives who are in favor of honest elections and a fair count to give their undivided support to the Lodge Election Bill.

The State Republican Convention, when it adjourned on September 18, referred the matter of nominating a State ticket to its Executive Committee. This committee, of which I am a member, at its meeting in Columbia on October 6, owing to the above-stated facts, decided that it was inexpedient to nominate a State ticket.

Since the adjournment of the committee the straight-out Democrats of this State have nominated a ticket, which brings about a split in the Democratic ranks. That ticket, I think, is 99 per cent. better than the ticket nominated in Columbia, headed by B. R. Tillman, who is the personification of red-shirt Democracy. He bases his claims and qualifications for the office on the fact that he organized the first red-shirt club in South Carolina, and led it in the bloody massacres at Hamburg and Ellenton, and that the trusty rifle which did such deadly execution now occupies a prominent position in his parlor, and is one of the most cherished of all of its ornaments. He also opposes the levying of the two-mills school-tax, which is required by the constitution of the State. He is in favor of calling a constitutional convention, should he be elected governor, for the purpose of framing a new constitution. The nominee for lieutenant-governor on the same ticket said, in a public speech at Florence, that "it made his blood boil in his veins to see a negro woman occupy a seat in the same car with white people."

While it is repugnant to my feelings as a Republican to advise my people to vote for any Democrat, yet in this emergency I must advise them to do anything that is legitimate to bring about the defeat of this arch-enemy of my race. The ticket headed by Mr. Haskell represents the better element of the Democracy of South Carolina, who, in my opinion, are opposed to the frauds perpetrated against a free ballot, while the election of the ticket headed by Tillman means a perpetuation of all of the evils mentioned in this article, *and more*.

I desire to state in the most positive and emphatic manner that the number of negroes in South Carolina who have voted the Democratic ticket from compulsion or other causes from 1867 to the present time would not exceed five hundred. The entire white vote of the State (census of 1880) is only 86,900, while the total colored vote is 118,889, and yet at no election held in the State, except the election of 1876, when the gigantic steal was perpetrated by the Democrats, has the Democratic vote ever exceeded 70,000. At any election in South Carolina when the votes shall be counted as cast, it will be found that the negroes of the South are as true and as loyal to the principles of Republicanism as they were to the flag of this great country when treason sought to blot it out.

There are men now in Congress who are willing to vote for an appropriation out of the treasury to have us sent out of the country. As long as there was a Democratic government at Washington, and the South could get false representation in Congress, they were opposed to our leaving. But now with that lover of constitutional liberty, Benjamin Harrison, in the White House, they certainly know that the rights of all the citizens of this great country will be protected alike, and that South Carolina, like Massachusetts, will have an honest election law, under which there will be free elections and fair counts. These men forget that the negroes of the country gave 186,000 men who fought in two hundred and fifty-two battles for the perpetuity of this great nation. We do not intend to go anywhere, but will remain right here and help make this the most powerful of all governments.

ROBERT SMALLS.